

**[DISCUSSION DRAFT]**

MAY 1, 2006

109TH CONGRESS  
2D SESSION**H. R.** \_\_\_\_\_

To amend the Older Americans Act of 1965 to authorize appropriations  
for fiscal years 2007 through 2011; and for other purposes.

---

**IN THE HOUSE OF REPRESENTATIVES**

Mr. TIBERI introduced the following bill; which was referred to the Committee  
on \_\_\_\_\_

---

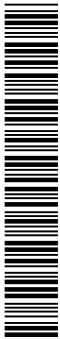
**A BILL**

To amend the Older Americans Act of 1965 to authorize  
appropriations for fiscal years 2007 through 2011; and  
for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Senior Independence  
5       Act of 2006”.



1 **SEC. 2. DEFINITIONS.**

2 Section 102 of the Older Americans Act of 1965 (42  
3 U.S.C. 3002) is amended—

4 (1) by amending paragraph (12)(D) to read as  
5 follows:

6 “(D) health promotion programs, including  
7 programs related to the prevention and mitiga-  
8 tion of the effects of chronic disease (including  
9 osteoporosis, hypertension, obesity, diabetes,  
10 and cardiovascular disease), alcohol and sub-  
11 stance abuse reduction, smoking cessation,  
12 weight loss and control, stress management,  
13 and improved nutrition through the consump-  
14 tion of a healthful diet and multivitamin-min-  
15 eral supplementation;”,

16 (2) in paragraph (29)(E)—

17 (A) in clause (i) by striking “and” at the  
18 end,

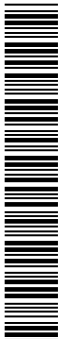
19 (B) in clause (ii) by striking the period at  
20 the end and inserting “; and” , and

21 (C) by adding at the end the following:

22 “(iii) older individuals at risk for in-  
23 stitutional placement.”, and

24 (3) by adding at the end the following:

25 “(44) The term ‘at risk for institutional place-  
26 ment’ means, with respect to an older individual,



1       that such individual is unable to perform at least  
2       two activities of daily living without substantial  
3       human assistance (including verbal reminding, phys-  
4       ical cuing, or supervision) and is determined by the  
5       State to be in imminent need of placement in a long-  
6       term care facility.

7           “(45) The term ‘Hispanic serving institution’  
8       has the meaning as defined in section 502 of the  
9       Higher Education Act of 1965 (20 U.S.C. 1101A).

10          “(46) The term ‘long-term care’ means any  
11       services, care, or items (including assistive devices)a,  
12       including disease prevention and health promotion  
13       services, in-home services, and case management  
14       service—

15           “(A) intended to assist individuals in cop-  
16       ing with, and to the extent practicable com-  
17       pensate for, functional impairments in carrying  
18       out activities of daily living;

19           “(B) furnished at home, in a community  
20       care setting (including a small community care  
21       setting as defined in subsection (g)(1), and a  
22       large community care setting as defined in sub-  
23       section (h)(1), of section 1929 of the Social Se-  
24       curity Act (42 U.S.C. 1396t)), or in a long-  
25       term care facility; and



1           “(C) not furnished to prevent, diagnose,  
2           treat, or cure a medical disease or condition;

3           “(47) The term ‘State system of long-term  
4           care’ means the Federal, State, and local programs  
5           and activities administered by a State that provide,  
6           support, or facilitate access to long-term care to in-  
7           dividuals in such State.

8           “(48) The term ‘Aging and Disability Resource  
9           Center’ means a program established by a State as  
10          part of the State’s system of long-term care, to pro-  
11          vide a coordinated system for providing—

12           “(A) comprehensive information on avail-  
13           able public and private long-term care pro-  
14           grams, options, and resources;

15           “(B) personal counseling to assist individ-  
16           uals in assessing their existing or anticipated  
17           long-term care needs, and developing and imple-  
18           menting a plan for long-term care designed to  
19           meet their specific needs and circumstances;  
20           and

21           “(C) consumer access to the range of pub-  
22           licly-supported long-term care programs for  
23           which they may be eligible, by serving as a con-  
24           venient point of entry for such programs.



1           “(49) The term ‘multivitamin-mineral supple-  
2           ment’ means a dietary supplement that provides at  
3           least two-third’s of the essential vitamins and min-  
4           erals at 100 percent of the daily value levels as de-  
5           termined by the Food and Drug Administration.”.

6 **SEC. 3. FUNCTIONS OF THE ASSISTANT SECRETARY.**

7           Section 202 of the Older Americans Act of 1965 (42  
8           U.S.C. 3012) is amended—

9                   (1) in subsection (a)—

10                           (A) in paragraph (20)—

11                                   (i) by striking “and area agencies on  
12                                   aging” and inserting “, area agencies on  
13                                   aging, and service providers”,

14                                   (ii) by striking “and benefits” and in-  
15                                   serting “benefits”, and

16                                   (iii) by inserting “or benefits under  
17                                   any other applicable Federal program,”  
18                                   after “(7 U.S.C. 2011 et seq.),”,

19                           (B) in paragraph (26)(D)—

20                                   (i) by striking “gaps in”,

21                                   (ii) by inserting “(including services  
22                                   that would permit such individuals to re-  
23                                   ceive long-term care in home and commu-  
24                                   nity-based settings)” after “individuals”,  
25                                   and



1 (iii) by striking “and” at the end,

2 (C) in paragraph (27) by striking the pe-  
3 riod at the end and inserting “; and”, and

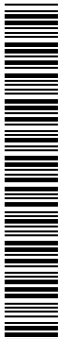
4 (D) by adding at the end the following:

5 “(28) make available to States information and  
6 technical assistance to support the provision of dis-  
7 ease prevention and health promotion services. ”,  
8 and

9 (2) by amending subsection (b) to read as fol-  
10 lows:

11 “(b) To promote the development and implementa-  
12 tion of comprehensive, coordinated systems at Federal,  
13 State, and local levels for providing long-term care in  
14 home and community-based settings, in a manner respon-  
15 sive to the needs and preferences of older individuals and  
16 their family caregivers, the Assistant Secretary shall, con-  
17 sistent with the applicable provisions of this title—

18 “(1) collaborate, coordinate, and consult with  
19 other Federal agencies and departments responsible  
20 for formulating and implementing programs, bene-  
21 fits, and services related to providing long-term care,  
22 and may make grants, contracts, and cooperative  
23 agreements with funds received from other Federal  
24 entities;



1           “(2) conduct research and demonstration  
2 projects to identify innovative, cost-effective strate-  
3 gies for modifying State systems of long-term care  
4 to better—

5           “(A) respond to the needs and preferences  
6 of older individuals and family caregivers;

7           “(B) target services to individuals at risk  
8 for institutional placement, to permit such indi-  
9 viduals to remain in home and community-  
10 based care settings; and

11           “(C) promote the implementation (through  
12 service providers and such other entities as the  
13 Assistant Secretary determines to be appro-  
14 priate) of evidence-based programs to assist  
15 older individuals and their family caregivers in  
16 learning about and making behavioral changes  
17 intended to reduce the risk of injury, disease,  
18 and disability among older individuals;

19           “(3) facilitate the provision of long-term care in  
20 home and community-based settings, including con-  
21 sumer-directed models;

22           “(4) provide for the Administration to play a  
23 lead role with respect to issues concerning home and  
24 community-based long-term care, including— —



1           “(A) directing (as the Secretary or the  
2           President determines to be appropriate) or oth-  
3           erwise participating in departmental and inter-  
4           departmental activities concerning long-term  
5           care;

6           “(B) reviewing and commenting on depart-  
7           mental rules, regulations, and policies related to  
8           providing long-term care; and

9           “(C) making recommendations to the Sec-  
10          retary with respect to home and community-  
11          based long-term care, including recommenda-  
12          tions based on findings made through projects  
13          conducted under paragraph (2);

14          “(5) promote, in coordination with other appro-  
15          priate Federal agencies, enhanced awareness by the  
16          public of the importance of planning in advance for  
17          long-term care and the availability of information  
18          and resources to assist in such planning;

19          “(6) establish, either directly or through grants  
20          or contracts, a national technical assistance program  
21          to assist States, area agencies on aging, and commu-  
22          nity-based service providers funded under this Act in  
23          implementing such home and community-based long-  
24          term care systems;



1 “(7) develop, in collaboration with the Adminis-  
2 trator of the Centers for Medicare and Medicaid  
3 Services, performance standards and measures for  
4 use by States to determine the extent to which their  
5 systems of long-term care fulfill the objectives de-  
6 scribed in this subsection; and

7 “(8) conduct such other activities as the Assist-  
8 ant Secretary determines to be appropriate.”.

9 **SEC. 4. FEDERAL AGENCY CONSULTATION.**

10 Section 203(a)(3)(A) of the Older Americans Act of  
11 1965 (42 U.S.C. 3013(a)(3)(A)) is amended by striking  
12 “(with particular attention to low income minority individ-  
13 uals and older individuals residing in rural areas)” and  
14 inserting “(with particular attention to low-income older  
15 individuals, including low-income minority older individ-  
16 uals, older individuals with limited English proficiency,  
17 and older individuals residing in rural areas)”.

18 **SEC. 5. ADMINISTRATION.**

19 Section 205 of the Older Americans Act of 1965 (42  
20 U.S.C. 3016) is amended—

21 (1) in subsection (a)—

22 (A) in paragraph (1)—

23 (i) in subparagraph (B) by adding  
24 “and” at the end,



1 (ii) in subparagraph (C) by adding “;  
2 and” at the end,

3 (iii) in subparagraph (D) by striking  
4 the semicolon at the end and inserting a  
5 period, and

6 (iv) by striking subparagraph (E),  
7 and

8 (B) in paragraph (2)—

9 (i) in subparagraph (A)—

10 (I) by amending clause (i) to  
11 read as follows:

12 “(i) designing, implementing, and evaluating  
13 evidence-based programs to support improved nutri-  
14 tion and regular physical activity for older individ-  
15 uals;”,

16 (II) by amending clause (iii) to  
17 read as follows:

18 “(iii) conducting outreach and disseminating in-  
19 formation to nutrition service providers about the  
20 benefits of healthful diets and regular physical activ-  
21 ity, including information about the most current  
22 Dietary Guidelines for Americans published under  
23 section 301 of the National Nutrition Monitoring  
24 and Related Research Act of 1990 (7 U.S.C. 5341),  
25 the Food Guide Pyramid published jointly by the



1 Secretary and the Secretary of Agriculture, and ad-  
2 vances in nutrition science;”,

3 (III) in clause (vii) by striking  
4 “and” at the end, and

5 (IV) by striking clause (viii) and  
6 inserting the following:

7 “(viii) disseminating guidance that de-  
8 scribes strategies for improving the nutritional  
9 quality of meals provided under title III, par-  
10 ticularly strategies for increasing the consump-  
11 tion of whole grains, lowfat dairy products,  
12 fruits and vegetables;

13 “(ix) developing and disseminating guide-  
14 lines for conducting nutrient analyses of meals  
15 provided in subparts 1 and 2 of part C, includ-  
16 ing guidelines for averaging key nutrients over  
17 an appropriate period of time; and

18 “(x) providing technical assistance to the  
19 regional offices of the Administration with re-  
20 spect to each duty described in clauses (i)  
21 through (viii).”, and

22 (ii) by amending subparagraph (C)(i)  
23 to read as follows:

24 “(i) have expertise in nutrition, energy balance,  
25 and meal planning; and”.



1 **SEC. 6. EVALUATION.**

2 The 1st sentence of section 206(g) of the Older  
3 Americans Act of 1965 (42 U.S.C. 3017(g)) is amended  
4 to read as follows:

5 “From the total amount appropriated for each fiscal year  
6 to carry out title III, the Secretary may use such sums  
7 as may be necessary, but not to exceed  $\frac{1}{2}$  of 1 percent  
8 of such amount, for purposes of conducting evaluations  
9 under this section, either directly or through grants or  
10 contracts.”.

11 **SEC. 7. REPORTS.**

12 Section 207(b)(2) of the Older Americans Act of  
13 1965 (42 U.S.C. 3018(b)(2)) is amended—

14 (1) in subparagraph (B) by striking “Labor”  
15 and inserting “the Workforce”, and

16 (2) in subparagraph (C) by striking “Labor and  
17 Human Resources” and inserting “Health, Edu-  
18 cation, Labor, and Pensions”.

19 **SEC. 8. CONTRACTUAL, COMMERCIAL AND PRIVATE PAY**  
20 **RELATIONSHIPS; APPROPRIATE USE OF ACT**  
21 **FUNDS.**

22 (a) PRIVATE PAY RELATIONSHIPS; APPROPRIATE  
23 USE OF ACT FUNDS.—Section 212 of the Older Ameri-  
24 cans Act (42 U.S.C. 3020c) is amended to read as follows:



1 **“SEC. 212. CONTRACTING AND GRANT AUTHORITY; PRI-**  
2 **VATE PAY RELATIONSHIPS; APPROPRIATE**  
3 **USE OF FUNDS.**

4 “(a) IN GENERAL.—Subject to subsection (b), this  
5 Act shall not be construed to prevent a recipient of a grant  
6 or a contract from entering into an agreement—

7 “(1) with a profitmaking organization;

8 “(2) under which funds provided under such  
9 grant or contract are used to pay part or all of a  
10 cost (including an administrative cost) incurred by  
11 such recipient to carry out a contract [or commercial  
12 relationship] for the benefit of older individuals or  
13 their family caregivers, whether such relationship is  
14 carried out to implement a provision of this Act or  
15 to conduct activities inherently associated with im-  
16 plementing such provision; or

17 “(3) under which any individual, regardless of  
18 age or income (including the family caregiver of such  
19 individual), who seeks to receive or more services  
20 pays, at their own private expense, to receive such  
21 services based on the fair market value of such serv-  
22 ices.

23 “(b) ENSURING APPROPRIATE USE OF FUNDS.—An  
24 agreement described under subsection (a) may not—

25 “(1) be made without the prior approval of the  
26 State agency (or, in the case of a grantee under title



1 VI, without the prior recommendation of the Direc-  
2 tor of the Office for American Indian, Alaska Na-  
3 tive, and Native Hawaiian Aging and the prior ap-  
4 proval of the Assistant Secretary);

5 “(2) directly or indirectly provide for, or have  
6 the effect of, paying, reimbursing, or otherwise com-  
7 pensating an entity under such agreement in an  
8 amount that exceeds the fair market value of the  
9 goods or services furnished by such entity under  
10 such agreement;

11 “(3) result in the displacement of services oth-  
12 erwise available to an older individual with the  
13 greatest social need, an older individual with great-  
14 est economic need, or an older individual who is at  
15 risk for institutional placement; or

16 “(4) in any other way compromise, undermine,  
17 or be inconsistent with the objective of serving the  
18 needs of older individuals, as determined by the As-  
19 sistant Secretary.”.

20 **SEC. 9. NUTRITION EDUCATION.**

21 Section 214 of the Older Americans Act of 1965 (42  
22 U.S.C. 3020e) is amended to read as follows:

23 **“SEC. 214. NUTRITION EDUCATION.**

24 “The Assistant Secretary, in consultation with the  
25 Secretary of Agriculture, shall conduct outreach and pro-



1 vide technical assistance to agencies and organizations  
2 that serve older individuals to assist such agencies and or-  
3 ganizations to carry out integrated health promotion and  
4 disease prevention programs that are designed for older  
5 individuals and that include nutrition education, physical  
6 activity, and other activities to modify behavior and to im-  
7 prove health literacy through education and counseling in  
8 accordance with section 339(2)(J).”.

9 **SEC. 10. PENSION COUNSELING AND INFORMATION PRO-**  
10 **GRAMS.**

11 Section 215 of the Older Americans Act of 1965 (42  
12 U.S.C. 3020e-1) is amended—

13 (1) in subsection (e)(1)(J) by striking “and low  
14 income retirees” and inserting “, low-income retir-  
15 ees, and older individuals with limited English pro-  
16 ficiency”,

17 (2) in subsection (f) by amending paragraph (2)  
18 to read as follows:

19 “(2) The ability of the entity to perform effec-  
20 tive outreach to affected populations, particularly  
21 populations with limited English proficiency and  
22 other populations that are identified in need of spe-  
23 cial outreach.”, and



1           (3) in subsection (h)(2) by inserting “(including  
2       individuals with limited English proficiency)” after  
3       “individuals”.

4   **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

5       Section 216 of the Older Americans Act of 1965 (42  
6   U.S.C. 3020f) is amended—

7           (1) in subsection (a) by striking “2001, 2002,  
8       2003, 2004, and 2005” and inserting “2007, 2008,  
9       2009, 2010, and 2011.”, and

10          (2) in subsections (b) and (c) by striking  
11       “year” and all that follows through “years”, and in-  
12       serting “years 2007, 2008, 2009, 2010, and 2011”.

13   **SEC. 12. PURPOSE; ADMINISTRATION.**

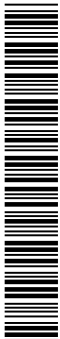
14       Section 301(a)(2) of the Older Americans Act of  
15   1965 (42 U.S.C. 3021(a)(2)) is amended—

16           (1) in subparagraph (D) by striking “and” at  
17       the end

18           (2) in subparagraph (E) by striking the period  
19       at the end and inserting “; and”, and

20           (3) by adding at the end the following:

21           “(F) organizations with experience in providing  
22       senior volunteer services, such as Federal volunteer  
23       programs administered by the Corporation for Na-  
24       tional and Community Service designed to provide



1 training, placement, and stipends for volunteers in  
2 community service settings.”.

3 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS; USES OF**  
4 **FUNDS.**

5 Section 303 of the Older Americans Act of 1965 (42  
6 U.S.C. 3023) is amended—

7 (1) in subsection (a)(1), (b), and (d) by striking  
8 “year 2001” and all that follows through “years”  
9 each place it appears, and inserting “years 2007,  
10 2008, 2009, 2010, and 2011”, and

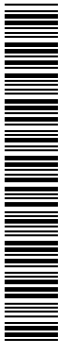
11 (2) in subsection (e)(1) by striking “2001”  
12 each place it appears and inserting “2007”.

13 **SEC. 14. ORGANIZATION.**

14 Section 305(a) of the Older Americans Act of 1965  
15 (42 U.S.C. 3025(a)) is amended—

16 (1) in paragraph (1)(E) by striking “(with par-  
17 ticular attention to low income minority individuals  
18 and older individuals residing in rural areas)” each  
19 place it appears and inserting “(with particular at-  
20 tention to low-income older individuals, including  
21 low-income minority older individuals, older individ-  
22 uals with limited English proficiency, and older indi-  
23 viduals residing in rural areas)”,

24 (2) in paragraph (2)(E) by striking “with par-  
25 ticular attention to low income minority individuals



1 and older individuals residing in rural areas” and in-  
2 serting “with particular attention to low-income  
3 older individuals, including low-income minority  
4 older individuals, older individuals with limited  
5 English proficiency, and older individuals residing in  
6 rural areas”, and

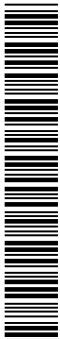
7 (3) by adding at the end the following:

8 “(3) the State agency shall, consistent with this  
9 section, promote the development and implementa-  
10 tion of a comprehensive, coordinated system in such  
11 State for providing long-term care in home and com-  
12 munity-based settings, in a manner responsive to the  
13 needs and preferences of older individuals and their  
14 family caregivers, by—

15 “(A) collaborating, coordinating, and con-  
16 sulting with other agencies in such State re-  
17 sponsible for formulating, implementing, and  
18 administering programs, benefits, and services  
19 related to providing long-term care;

20 “(B) participating in any State govern-  
21 ment activities concerning long-term care, in-  
22 cluding reviewing and commenting on any State  
23 rules, regulations, and policies related thereto;

24 “(C) conducting analyses and making rec-  
25 ommendations with respect to strategies for



1 modifying the State's system of long-term care  
2 to better—

3 “(i) respond to the needs and pref-  
4 erences of older individuals and family  
5 caregivers;

6 “(ii) facilitate the provision of long-  
7 term care in home and community-based  
8 settings through service providers;

9 “(iii) target services to individuals at  
10 risk for institutional placement, to permit  
11 such individuals to remain in home and  
12 community-based care settings; and

13 “(iv) promote the implementation  
14 (through service providers and such other  
15 entities as the State determines to be ap-  
16 propriate) of evidence-based programs to  
17 assist older individuals and their family  
18 caregivers in learning about and making  
19 behavioral changes intended to reduce the  
20 risk of injury, disease, and disability  
21 among older individuals; and

22 “(D) providing for the availability and dis-  
23 tribution (through public education campaigns,  
24 aging and disability resource centers, and other  
25 appropriate means) of information relating to—



1 “(i) the need to plan in advance for  
2 long-term care; and

3 “(ii) the range of available public and  
4 private long-term care programs, options,  
5 and resources.”.

6 **SEC. 15. AREA PLANS.**

7 Section 306 of the Older Americans Act of 1965 (42  
8 U.S.C. 3026) is amended—

9 (1) in subsection (a)—

10 (A) in paragraph (1)—

11 (i) by striking “(with particular atten-  
12 tion to low income minority individuals and  
13 older individuals residing in rural areas)”  
14 each place it appears and inserting “(with  
15 particular attention to low-income older in-  
16 dividuals, low-income minority older indi-  
17 viduals, older individuals with limited  
18 English proficiency, and older individuals  
19 residing in rural areas)”, and

20 (ii) by inserting “the number of older  
21 individuals at risk for institutional place-  
22 ment residing in such area,” after “indi-  
23 viduals) residing in such area,”,

24 (B) in paragraph (4)—

25 (i) in subparagraph (A)—



1 (I) by amending clause (i) to  
2 read as follows:

3 “(i) provide assurances that the area agency on  
4 aging will—

5 “(I) set specific objectives, consistent with  
6 State policy, for providing services to older indi-  
7 viduals with greatest economic need, older indi-  
8 viduals with greatest social need, and older in-  
9 dividuals at risk for institutional placement;

10 “(II) include in the area plan specific ob-  
11 jectives for providing services to low-income mi-  
12 nority older individuals and older individuals re-  
13 siding in rural areas; and

14 “(III) include in the area plan proposed  
15 methods to achieve such objectives;”. and

16 (II) in clause (ii) by inserting  
17 “(including older individuals with lim-  
18 ited English proficiency)” after “low  
19 income minority individuals” each  
20 place it appears; and

21 (ii) in subparagraph (B)—

22 (I) by moving the left margin of  
23 each of subparagraph (B), clauses (i)  
24 and (ii), and subclauses (I) through  
25 (VI) of clause (i), 2 ems to the left,



1 (II) in clause (i)—

2 (aa) in subclause (V) by  
3 striking “and” at the end; and

4 (bb) by adding at the end  
5 the following:

6 “(VI) older individuals at risk for  
7 institutional placement; and”, and

8 (III) by striking “(VI)” and in-  
9 serting “(VII)”,

10 (C) in paragraph (5) by inserting “and in-  
11 dividuals at risk for institutional placement”  
12 after “severe disabilities”,

13 (D) in paragraph (6)—

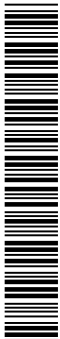
14 (i) in subparagraph (C)—

15 (I) in clause (i) by striking  
16 “and” at the end,

17 (II) in clause (ii) by adding  
18 “and” at the end, and

19 (III) by inserting after clause (ii)  
20 the following:

21 “(iii) make use of trained volunteers  
22 in providing direct services delivered to el-  
23 derly and disabled individuals needing such  
24 care and, if possible, work in coordination  
25 with volunteer programs (including pro-



grams administered by the Corporation for National Service) designed to provide training, placement, and stipends for volunteers in community service settings.”.

(ii) in subparagraph (D)—

(I) by inserting “family caregivers of such individuals,” after “Act,”. and

(II) by inserting “service providers, the business community,” after “individuals,”,

(E) by amending paragraph (7) to read as follows:

“(7) provide that the area agency on aging shall, consistent with this section, facilitate the area-wide development and implementation of a comprehensive, coordinated system for providing long-term care in home and community-based settings, in a manner responsive to the needs and preferences of older individuals and their family caregivers, by—

“(A) collaborating, coordinating, and consulting with other local public and private agencies and organizations responsible for administering programs, benefits, and services related to providing long-term care;



1 “(B) conducting analyses and making rec-  
2 ommendations with respect to strategies for  
3 modifying the local system of long-term care to  
4 better—

5 “(i) respond to the needs and pref-  
6 erences of older individuals and family  
7 caregivers;

8 “(ii) facilitate the provision, through  
9 service providers, of long-term care in  
10 home and community-based settings;

11 “(iii) target services to older individ-  
12 uals at risk for institutional placement, to  
13 permit such individuals to remain in home  
14 and community-based care settings; and

15 “(iv) implement, through service pro-  
16 viders, evidence-based programs to assist  
17 older individuals and their family care-  
18 givers in learning about and making behav-  
19 ioral changes intended to reduce the risk of  
20 injury, disease, and disability among older  
21 individuals; and

22 “(C) provide for the availability and dis-  
23 tribution (through public education campaigns,  
24 aging and disability resource centers, and other  
25 appropriate means) of information relating to—



1 “(i) the need to plan in advance for  
2 long-term care; and

3 “(ii) the range of available public and  
4 private long-term care programs, options,  
5 and resources.”.

6 (F) by striking paragraph (14) and the 2  
7 paragraphs (15);

8 (G) in paragraph (16)—

9 (i) by adding “and” at the end, and

10 (ii) by redesignating such paragraph  
11 as paragraph (14), and

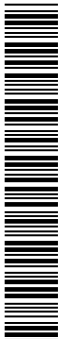
12 (H) by adding at the end the following:

13 “{15} provide assurances that funds received  
14 under this title will be used—

15 “(A) in a manner, consistent with para-  
16 graph (4), that gives priority in furnishing ben-  
17 efits and services to older individuals with  
18 greatest economic need, older individuals with  
19 greatest social need, and older individuals at  
20 risk for institutional placement; and

21 “(B) in compliance with the assurances  
22 specified in paragraph (13) and the limitations  
23 specified in section 212(b).”,

24 (2) by redesignating subsections (b), (c), (d),  
25 and (e) as subsections (c), (d), (e), and (f), and



1           (3) by inserting after subsection (a) the fol-  
2       lowing:

3       “(b)(1) An area agency on aging may include in the  
4       area plan an assessment of how prepared the planning and  
5       service area is for increase in the number of older indi-  
6       vidual during the 10-year period following the fiscal year  
7       for which the plan is submitted. Such assessment may  
8       include—

9           “(A) the projected change in the number  
10       of older individuals in the planning and service  
11       area;

12          “(B) an analysis of how such change may  
13       affect such individuals, including such individ-  
14       uals with low incomes, such individuals with  
15       greatest economic need, minority older individ-  
16       uals, older individuals residing in rural areas,  
17       and older individuals with limited English pro-  
18       ficiency;

19          “(C) an analysis of how the programs,  
20       policies, and services provided by such area  
21       agency can be improved, and how resource lev-  
22       els can be adjusted to meet the needs of the  
23       changing population of older individuals in the  
24       planning and service area; and



1           “(D) an analysis of how the change in the  
2           number of individuals 85 years of age and older  
3           is expected to affect the need for supportive  
4           services.

5           “(2) An area agency on aging, in cooperation with  
6           government officials, State agencies, tribal organizations,  
7           or local entities, may make recommendations to govern-  
8           ment officials in the planning and service area and the  
9           State, on actions determined by the area agency to build  
10          the capacity in the planning and service area to meet the  
11          needs of older individuals for—

12           “(A) health and human services;

13           “(B) land use;

14           “(C) housing;

15           “(D) transportation;

16           “(E) public safety;

17           “(F) workforce and economic development;

18           “(G) recreation;

19           “(H) education;

20           “(I) civic engagement; and

21           “(J) any other service as determined by such  
22          agency.”.

23   **SEC. 16. STATE PLANS.**

24          Section 307(a) of the Older Americans Act of 1965  
25   (42 U.S.C. 3027(a)) is amended—



1 (1) in paragraph (4) by striking “with par-  
2 ticular attention to low income minority individuals  
3 and older individuals residing in rural areas” and in-  
4 serting “low-income minority older individuals, older  
5 individuals with limited English proficiency, and  
6 older individuals residing in rural areas”,

7 (2) by striking paragraph (15),

8 (3) by redesignating paragraph (14) as para-  
9 graph (15),

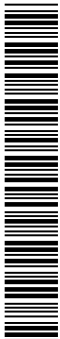
10 (4) by inserting after paragraph (13) the fol-  
11 lowing:

12 “(14) The plan shall, with respect to the fiscal  
13 year preceding the fiscal year for which such plan is  
14 prepared—

15 “(A) identify the number of low-income  
16 minority older individuals in the State, includ-  
17 ing the number of low-income older individuals  
18 with limited English proficiency; and

19 “(B) describe the methods used to satisfy  
20 the service needs of such minority older individ-  
21 uals, including the plan to service the needs of  
22 older individuals with limited English pro-  
23 ficiency.”, and

24 (5) in clauses (ii) and (iii) of paragraph (16)(A)  
25 by striking “(with particular attention to low income



1 minority individuals and older individuals residing in  
2 rural areas)” each place it appears and inserting  
3 “(with particular attention to low-income older indi-  
4 viduals, low-income minority older individuals, older  
5 individuals with limited English proficiency, and  
6 older individuals residing in rural areas)”.

7 **SEC. 17. PAYMENTS.**

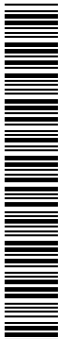
8 Section 309(b)(2) of the Older Americans Act of  
9 1965 (42 U.S.C. 3029(b)(2)) is amended by striking “the  
10 non-Federal share required prior to fiscal year 1981” and  
11 inserting “10 percent of the cost of the services specified  
12 in such section 304(d)(1)(D)”.

13 **SEC. 18. CONSUMER CONTRIBUTIONS.**

14 Section 315 of the Older Americans Act of 1965 (42  
15 U.S.C. 3030c-2) is amended—

16 (1) in subsection (b)—

17 (A) in paragraph (1) by striking “provided  
18 that” and inserting “, and such contributions  
19 shall be encouraged for individuals whose self-  
20 declared income is at or above 125 percent of  
21 the poverty line and may be requested at con-  
22 tribution levels based on the actual cost of serv-  
23 ices, if”, and



1 (B) in paragraph (4)(E) by inserting “and  
2 to supplement (not supplant) funds received  
3 under this Act” after “given”.

4 (2) in subsection (c)(2) by striking “(with par-  
5 ticular attention to low income minority individuals  
6 and older individuals residing in rural areas)” and  
7 inserting “(with particular attention to low-income  
8 older individuals, including low-income minority  
9 older individuals, older individuals with limited  
10 English proficiency, and older individuals residing in  
11 rural areas)”, and

12 (3) in subsection (d) by striking “with par-  
13 ticular attention to low income minority individuals  
14 and older individuals residing in rural areas” and in-  
15 serting “, with particular attention to low-income  
16 older individuals, including low-income minority  
17 older individuals, older individuals with limited  
18 English proficiency, and older individuals residing in  
19 rural areas”.

20 **SEC. 19. NUTRITION SERVICE.**

21 After the heading of part C of title III of the Older  
22 Americans Act of 1965 (42 U.S.C. 3030e–3030g–22), in-  
23 sert the following:



1   **“SEC. 330. PURPOSE.**

2           “It is the purpose of this part to promote socializa-  
3   tion and the health and well-being of older individuals by  
4   assisting such individuals to gain access to disease preven-  
5   tion and health promotion services (including information,  
6   nutrition services, and programs of physical activity) to  
7   delay the onset of health conditions resulting from poor  
8   nutritional health or sedentary behavior.”.

9   **SEC. 20. CONGREGATE NUTRITION PROGRAM.**

10          Section 331 of the Older Americans Act of 1965 (42  
11   U.S.C. 3030e) is amended—

12               (1) by striking “projects—” and inserting  
13   “projects that—”,

14               (2) in paragraph (1) by striking “which”,

15               (3) in paragraph (2)—

16                     (A) by striking “which”, and

17                     (B) by striking “and” at the end,

18               (4) by striking paragraph (3) and inserting the  
19   following:

20               “(3) provide nutrition education, nutrition  
21   counseling, and other nutrition services, as appro-  
22   priate, based on the needs of meal participants; and

23               “(4) may provide along with a meal described  
24   in (1), a multivitamin-mineral supplement.”.



1   **SEC. 21. HOME DELIVERED NUTRITION SERVICES.**

2       Section 336 of the Older Americans Act of 1965 (42  
3   U.S.C. 3030f) is amended to read as follows:

4   **“SEC. 336 PROGRAM AUTHORIZED.**

5       “The Assistant Secretary shall establish and carry  
6   out a program to make grants to States under State plans  
7   approved under section 307 for the establishment and op-  
8   eration of nutrition projects for older individuals which  
9   provide, on 5 or more days a week (except in a rural area  
10   where such frequency is not feasible (as defined by the  
11   Assistant Secretary by rule) and a lesser frequency is ap-  
12   proved by the State agency)—

13           “(1) at least 1 home delivered meal per day  
14       consisting of hot, cold, frozen, dried, canned, fresh,  
15       or supplemental foods and any additional meals that  
16       the recipient of a grant or contract under this sub-  
17       part elects to provide; and

18           “(2) nutrition education, nutrition counseling,  
19       and other nutrition services as appropriate, based on  
20       the needs of meal recipients.”.

21   **SEC. 22. CRITERIA.**

22       Section 337 of the Older Americans Act of 1965 (42  
23   U.S.C. 3030g) is amended to read as follows:

24   **“SEC. 337. CRITERIA.**

25       “The Assistant Secretary, in consultation with ex-  
26   perts in the field of nutrition science, dietetics, meal plan-



1 ning and food service management, and aging, shall de-  
2 velop minimum criteria of efficiency and quality for the  
3 furnishing of home delivered meal services for projects de-  
4 scribed in section 336. ”.

5 **SEC. 23. NUTRITION.**

6 Section 339 of the Older Americans Act of 1965 (42  
7 U.S.C. 3030g–21) is amended—

8 (1) by amending paragraph (1) to read as fol-  
9 lows:

10 “(1) solicit the expertise of a dietitian or other  
11 individual with education and training in nutrition  
12 science, or if such an individual is not available, an  
13 individual with comparable expertise in the planning  
14 of nutritional services, and”, and

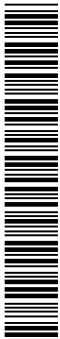
15 (2) in paragraph (2)—

16 (A) in subparagraph (A)—

17 (i) by amending clause (i) to read as  
18 follows:

19 “(i) comply with the most recent Die-  
20 tary Guidelines for Americans, published  
21 by the Secretary and the Secretary of Ag-  
22 riculture, and”, and

23 (ii) in clause (ii) by striking “daily  
24 recommended dietary allowances as” and  
25 inserting “dietary reference intakes”,



1 (B) by amending subparagraph (G) to read  
2 as follows:

3 “(G) ensures that local meal providers so-  
4 licit the advice and expertise of—

5 “(i) a dietitian or, if a dietitian is not  
6 available, an individual with comparable  
7 expertise in the planning of nutrition and  
8 food services,

9 “(ii) meal participants, and

10 “(iii) other individuals knowledgeable  
11 with regard to the needs of older individ-  
12 uals,” and

13 (C) by amending subparagraph (J) to read  
14 as follows:

15 “(J) provide for nutrition screening and  
16 nutrition education, and nutrition assessment  
17 and counseling if appropriate.”.

18 **SEC. 24. CAREGIVER SUPPORT PROGRAM.**

19 Section 373 of the National Family Support Care-  
20 giver Act (42 U.S.C. 3030s-1) is amended—

21 (1) in subsection by (b)(3) by striking “care-  
22 givers to assist” and all that follows through the end  
23 and inserting the following: “assist the caregivers in  
24 the areas of health, nutrition, and financial literacy,



1 and in making decisions and solving problems relat-  
2 ing to their caregiving roles;”,

3 (2) by amending subsection (d) to read as fol-  
4 lows:

5 “(d) USE OF VOLUNTEERS.—In carrying out this  
6 subpart, each area agency on aging shall encourage the  
7 use of trained volunteers to expand the available services  
8 described in subsection (b) and shall, if possible, coordi-  
9 nate with volunteer programs (including programs admin-  
10 istered by the Corporation for National Service) designed  
11 to provide training, placement, and stipends for volunteers  
12 in community service settings.”.

13 (3) in subsection (f)(1) by striking “2001  
14 through 2005” and inserting “2007, 2008, 2009,  
15 2010, and 2011”.

16 **SEC. 25. GRANT PROGRAMS.**

17 Section 411(b) of the Older Americans Act of 1965  
18 (42 U.S.C. 3032(b)) is amended by striking “year” and  
19 all that follows through “years”, and inserting “years  
20 2007, 2008, 2009, 2010, and 2011”.

21 **SEC. 26. CAREER PREPARATION FOR THE FIELD OF AGING.**

22 Section 412(a) of the Older Americans Act of 1965  
23 (42 U.S.C. 3032a(a)) is amended by amending subsection  
24 (a) to read as follows:



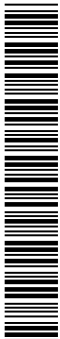
1       “(a) GRANTS.—The Assistant Secretary shall make  
2 grants to institutions of higher education, including his-  
3 torically Black colleges or universities, Hispanic serving  
4 institutions, and Hispanic Centers of Excellence in Ap-  
5 plied Gerontology, to provide education and training that  
6 prepares students for careers in the field of aging.”.

7 **SEC. 27. DEMONSTRATION PROJECTS FOR**  
8 **MULTIGENERATIONAL ACTIVITIES.**

9       Section 417(c)(2) of the Older Americans Act of  
10 1965 (42 U.S.C. 3032f(c)(2)) is amended by striking  
11 “(with particular attention to low income minority individ-  
12 uals and older individuals residing in rural areas)” and  
13 inserting “(with particular attention to low-income older  
14 individuals, including low-income minority older individ-  
15 uals, older individuals with limited English proficiency,  
16 and older individuals residing in rural areas)”.

17 **SEC. 28. COMMUNITY SERVICE EMPLOYMENT-BASED**  
18 **TRAINING FOR OLDER AMERICANS.**

19       Title V of the Older Americans Act of 1965 (42  
20 U.S.C. 3056 et seq.) is amended to read as follows:



1 **“TITLE V—COMMUNITY SERVICE**  
2 **EMPLOYMENT-BASED TRAIN-**  
3 **ING FOR OLDER AMERICANS**

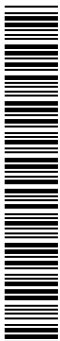
4 **“SEC. 501. SHORT TITLE.**

5 “This title may be cited as the ‘Older American Com-  
6 munity Service Employment-Based Training Act’.

7 **“SEC. 502. OLDER AMERICAN COMMUNITY SERVICE EM-**  
8 **PLOYMENT-BASED TRAINING PROGRAM.**

9 “(a) To foster and promote useful part-time training  
10 opportunities for unemployed low-income eligible individ-  
11 uals and who have poor employment prospects, and in  
12 order to foster individual economic self-sufficiency and to  
13 increase the number of individuals who may enjoy the ben-  
14 efits of unsubsidized employment in both the public and  
15 private sectors, the Secretary of Labor (hereafter in this  
16 title referred to as the ‘Secretary’) may establish an older  
17 American community service employment-based training  
18 program.

19 “(b)(1) To carry out this title, the Secretary may  
20 make grants to nonprofit agencies and organizations,  
21 agencies of a State, profitmaking organizations, and tribal  
22 organizations to carry out the program established under  
23 subsection (a). Such grants may provide for the payment  
24 of costs, as provided in subsection (c), of projects devel-  
25 oped by such organizations and agencies in cooperation



1 with the Secretary in order to make such program effec-  
2 tive or to supplement such program. No payment shall be  
3 made by the Secretary toward the cost of any project es-  
4 tablished or administered by any organization or agency  
5 unless the Secretary determines that such project—

6 “(A) will provide authorized activities, including  
7 community service employment-based training, only  
8 for eligible individuals;

9 “(B)(i) will provide authorized activities, includ-  
10 ing community service employment-based training,  
11 for eligible individuals in the community in which  
12 such individuals reside, or in nearby communities; or

13 “(ii) if such project is carried out by a tribal or-  
14 ganization that receives a grant under this sub-  
15 section or receives assistance from a State that re-  
16 ceives a grant under this subsection, will provide au-  
17 thorized activities, including community service em-  
18 ployment-based training for such individuals, includ-  
19 ing those who are Indians residing on an Indian res-  
20 ervation, as defined in section 2601(2) of the En-  
21 ergy Policy Act of 1992 (25 U.S.C. 3501(2));

22 “(C) will provide employment-based training to  
23 eligible individuals in service related to publicly  
24 owned and operated facilities and projects, or  
25 projects sponsored by profitmaking or nonprofit or-



1        ganizations (excluding political parties exempt from  
2        taxation under section 501(c)(3) of the Internal Rev-  
3        enue Code of 1986), but excluding projects involving  
4        the construction, operation, or maintenance of any  
5        facility used or to be used as a place for sectarian  
6        religious instruction or worship;

7            “(D) will contribute to the general welfare of  
8        the community;

9            “(E) is intended to result in unsubsidized em-  
10        ployment for eligible individuals after completion of  
11        such program;

12           “(F)(i) will not reduce the number of job oppor-  
13        tunities or vacancies that would otherwise be avail-  
14        able to individuals not participating in such pro-  
15        gram;

16           “(ii) will not displace currently employed work-  
17        ers (including partial displacement, such as a reduc-  
18        tion in the hours of non-overtime work, wages, or  
19        employment benefits);

20           “(iii) will not impair existing contracts or result  
21        in the substitution of Federal funds for other funds  
22        in connection with work that would otherwise be per-  
23        formed; and

24           “(iv) will not place an eligible individual in em-  
25        ployment-based training to perform work the same



1 or substantially the same work as that performed by  
2 any other individual who is on layoff;

3 “(G) will coordinate with training and other  
4 services provided under title I of the Workforce In-  
5 vestment Act, including utilizing the One-Stop deliv-  
6 ery system to recruit eligible individuals to ensure  
7 that the maximum number of eligible individuals will  
8 have an opportunity to participate in the project;

9 “(H) will include such training (such as com-  
10 munity service employment-based training, work ex-  
11 perience, on-the-job training, and classroom train-  
12 ing) as may be necessary to make the most effective  
13 use of the skills and talents of those individuals who  
14 are participating;

15 “(I) will ensure that safe and healthy conditions  
16 of the employment-based training facility or other  
17 training facility will be provided, and will ensure  
18 that individuals employed in community service and  
19 other jobs assisted under this title shall be paid  
20 wages that shall not be lower than whichever is the  
21 highest of—

22 “(i) the minimum wage that would be ap-  
23 plicable to the employee under the Fair Labor  
24 Standards Act of 1938, if section 6(a)(1) of  
25 such Act applied to the participant and if the



1 participant were not exempt under section 13  
2 thereof;

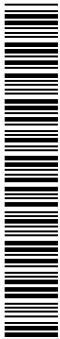
3 “(ii) the State or local minimum wage for  
4 the most nearly comparable covered employ-  
5 ment; or

6 “(iii) the prevailing rates of pay for indi-  
7 viduals employed in similar occupations by the  
8 same employer;

9 “(J) will be established or administered with  
10 the advice of persons competent in the field of serv-  
11 ice in which job training is being provided, and of  
12 persons who are knowledgeable about the needs of  
13 older individuals;

14 “(K) will authorize payment for necessary sup-  
15 portive service costs, (including transportation costs)  
16 of eligible individuals that may be incurred in train-  
17 ing in any project funded under this title, in accord-  
18 ance with rules issued by the Secretary;

19 “(L) will ensure that, to the extent feasible,  
20 such project will serve the needs of eligible individ-  
21 uals who are minority individuals, individuals with  
22 limited English proficiency, Indians, and individuals  
23 who have the greatest economic need, at least in  
24 proportion to their numbers in the State and taking

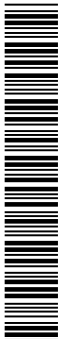


1 into consideration their rates of poverty and unem-  
2 ployment;

3 “(M)(i) will prepare an assessment of the par-  
4 ticipants’ skills and talents and their needs for serv-  
5 ices, except to the extent such project has, for the  
6 participant involved, recently prepared an assess-  
7 ment of such skills and talents, and such needs, pur-  
8 suant to another employment or training program  
9 (such as a program under the Workforce Investment  
10 Act of 1998 (29 U.S.C. 2801 et seq.), the Carl D.  
11 Perkins Vocational and Technical Education Act of  
12 1998 (20 U.S.C. 2301 et seq.), or part A of title IV  
13 of the Social Security Act (42 U.S.C. 601 et seq.));

14 “(ii) will provide training and employment  
15 counseling to eligible individuals based on strategies  
16 that identify appropriate employment objectives and  
17 the need for supportive services, developed as a re-  
18 sult of the assessment and service strategy provided  
19 for in clause (i), and provide other appropriate infor-  
20 mation regarding such program, including notice of  
21 the 2-year participation limit provided under section  
22 516(2)(C); and

23 “(iii) will provide counseling to participants on  
24 their progress in meeting such objectives and satis-  
25 fying their need for supportive services ;



1           “(N) will provide appropriate services for par-  
2           ticipants through the One-Stop delivery system as  
3           established under section 134(c) of the Workforce  
4           Investment Act of 1998 (29 U.S.C. 2864(c)), and  
5           will be involved in the planning and operations of  
6           such system pursuant to a memorandum of under-  
7           standing with the local workforce investment board  
8           in accordance with section 121(c) of such Act (29  
9           U.S.C. 2841(c));

10           “(O) will post in such project workplace a no-  
11           tice, and will make available to each person associ-  
12           ated with such project a written explanation—

13                   “(i) clarifying the law with respect to polit-  
14                   ical activities allowable and unallowable under  
15                   chapter 15 of title 5, United States Code, appli-  
16                   cable to the project and to each category of in-  
17                   dividuals associated with such project; and

18                   “(ii) containing the address and telephone  
19                   number of the Inspector General of the Depart-  
20                   ment of Labor, to whom questions regarding  
21                   the application of such chapter may be ad-  
22                   dressed;

23           “(P) will provide to the Secretary the descrip-  
24           tion and information described i n—



1                   “(i) paragraphs (8) relating to coordina-  
2                   tion with other Federal programs; and

3                   “(ii) paragraph (14), relating to implemen-  
4                   tation of One-Stop delivery systems, of section  
5                   112(b) of the Workforce Investment Act of  
6                   1998; and

7                   “(Q) will ensure that entities that carry out ac-  
8                   tivities under the project (including State agencies ,  
9                   local entities, subgrantees, subcontractors) and affili-  
10                  ates of such entities receive an amount of the admin-  
11                  istrative cost allocation determined by the Secretary  
12                  to be sufficient.

13                  “(2)(A) An assessment and service strategy required  
14                  by paragraph (1) to be prepared for an eligible individual  
15                  shall satisfy any condition for an assessment and service  
16                  strategy or individual employment plan for an adult par-  
17                  ticipant under subtitle B of title I of the Workforce Invest-  
18                  ment Act of 1998 (29 U.S.C. 2811 et seq.), in order to  
19                  determine whether such eligible individual also qualifies  
20                  for intensive or training services described in section  
21                  134(d) of such Act (29 U.S.C. 2864(d)).

22                  “(B) An assessment and service strategy or indi-  
23                  vidual employment plan prepared under subtitle B of title  
24                  I of the Workforce Investment Act of 1998 (29 U.S.C.  
25                  2811 et seq.) for an eligible individual may be used to



1 comply with the requirement specified in subparagraph  
2 (A).

3 “(c)(1) The Secretary may pay a share not to exceed  
4 90 percent of the cost of any project for which a grant  
5 is made under subsection (b), except that the Secretary  
6 may pay all of such cost if such project is—

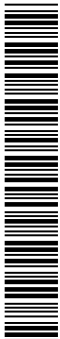
7 “(A) an emergency or disaster project; or

8 “(B) a project located in an economically de-  
9 pressed area, as determined by the Secretary in con-  
10 sultation with the Secretary of Commerce and the  
11 Secretary of Health and Human Services.

12 “(2) The non-Federal share shall be in cash or in  
13 kind. In determining the amount of the non-Federal share,  
14 the Secretary may attribute fair market value to services  
15 and facilities contributed from non-Federal sources.

16 “(3) Of the amount to be paid under this subsection  
17 by the Secretary for a project, not to exceed 13.5 percent  
18 shall be available for any fiscal year to pay the administra-  
19 tive costs of such project, except that—

20 “(A) the Secretary may increase the amount  
21 available to pay administrative costs to an amount  
22 not to exceed 15 percent of the cost of such project  
23 if the Secretary determines, based on information  
24 submitted by the grantee under subsection (b), that



1       such increase is necessary to carry out such project;  
2       and

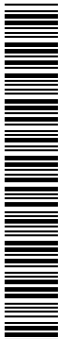
3               “(B) if the grantee under subsection (b) dem-  
4       onstrates to the Secretary that—

5               “(i) major administrative cost increases  
6       are being incurred in necessary program compo-  
7       nents, including liability insurance, payments  
8       for workers’ compensation, costs associated  
9       with achieving unsubsidized placement goals,  
10      and other operation requirements imposed by  
11      the Secretary;

12              “(ii) the number of positions in the project  
13      or the number of minority eligible individuals  
14      participating in the project will decline if the  
15      amount available to pay administrative costs is  
16      not increased ; or

17              “(iii) the size of the project is so small that  
18      the amount of administrative costs incurred to  
19      carry out the project necessarily exceeds 13.5  
20      percent of the cost of such project;

21      the Secretary shall increase the amount available for  
22      such fiscal year to pay administrative costs to an  
23      amount not to exceed 15 percent of the cost of such  
24      project.



1 “(4) Administrative costs are the costs, both per-  
2 sonnel and non-personnel and both direct and indirect, as-  
3 sociated with the following:

4 “(A) The costs of performing general adminis-  
5 trative functions and of providing for the coordina-  
6 tion of functions, such as—

7 “(i) accounting, budgeting, financial, cash  
8 management and related data processing;

9 “(ii) quality assurance;

10 “(iii) preparing program plans;

11 “(iv) procurement and purchasing;

12 “(v) property management;

13 “(vi) personnel management, including  
14 personnel administration, administration of af-  
15 firmative action plans, and training and staff  
16 development;

17 “(vii) administrative salaries, including  
18 clerical and other support staff salaries;

19 “(viii) payroll functions;

20 “(ix) coordinating the resolution of find-  
21 ings arising from audits, reviews, investigations,  
22 and incident reports;

23 “(x) audit;

24 “(xi) general legal services;



1           “(xii) developing systems and procedures,  
2           including information systems, required for ad-  
3           ministrative functions;

4           “(xiii) preparing reports; and

5           “(xiv) other activities necessary for the  
6           general administration of government funds and  
7           associated programs.

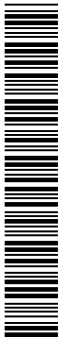
8           “(B) The costs of performing oversight and  
9           monitoring responsibilities.

10          “(C) The costs of goods and services required  
11          for administrative functions of such program, includ-  
12          ing goods and services such as rental or purchase of  
13          equipment, utilities, office supplies, postage, and  
14          rental and maintenance of office space.

15          “(D) The travel costs incurred for official busi-  
16          ness in carrying out such program, excluding travel  
17          costs related to providing services.

18          “(E) The costs of information systems related  
19          to personnel, procurement, purchasing, property  
20          management, accounting, and payroll systems), in-  
21          cluding the purchase, systems development, and op-  
22          erating costs of such systems.

23          “(F) The costs of technical assistance, profes-  
24          sional organization membership dues, removal of ar-  
25          chitectural barriers, operating and maintaining as-



1        sistive technology, and evaluating program results  
2        against stated objectives.

3        “(5) To the extent practicable, an entity that carries  
4        out a project under this title shall provide for the payment  
5        of the expenses described in paragraph (4) from non-Fed-  
6        eral sources.

7        “(6)(A) Amounts made available for a project under  
8        this title that are not used to pay for the administrative  
9        costs shall be used to pay for the costs of programmatic  
10       activities, including—

11            “(i) participant wages, such benefits as are re-  
12            quired by law (such as workers compensation or un-  
13            employment compensation), the costs of physical ex-  
14            aminations, compensation for scheduled work hours  
15            during which an employer is closed for a Federal  
16            holiday, and necessary sick leave that is not part of  
17            an accumulated sick leave program, except that no  
18            amounts provided under this title may be used pay  
19            the cost of pension benefits, annual leave, accumu-  
20            lated sick leave, or bonuses;

21            “(ii) participant training (including the pay-  
22            ment of reasonable costs of instructors, classroom  
23            rental, training supplies, materials, equipment, and  
24            tuition) which may be provided prior to or subse-  
25            quent to placement and which may be provided on



1 the job, in a classroom setting or pursuant to other  
2 appropriate arrangements;

3 “(iii) job placement assistance, including job de-  
4 velopment and job search assistance;

5 “(iv) participant supportive services to enable a  
6 participant to successfully participate in a project  
7 under this title, which may include the payment of  
8 reasonable costs of transportation, special job-related  
9 or personal counseling, incidentals (such as work  
10 shoes, badges, uniforms, eyeglasses, and tools), child  
11 and adult care, temporary shelter, and follow-up  
12 services; and

13 “(v) outreach, recruitment, and selection, in-  
14 take, orientation, and assessments.

15 “(B) Not less than 65 percent of the funds made  
16 available under a grant made under this title (excluding  
17 a grant made under subsection (d)) shall be used to pay  
18 wages and benefits for eligible individuals who are em-  
19 ployed under projects carried out under this title.

20 “(d) PILOT, DEMONSTRATION, AND EVALUATION  
21 PROJECTS.—The Secretary shall use funds reserved under  
22 section 506(a)(1) to carry out demonstration projects,  
23 pilot projects , and evaluation projects, for the purpose  
24 of developing and implementing techniques and ap-  
25 proaches, and demonstrating the effectiveness of the spe-



1 cialized methods, in addressing the employment and train-  
2 ing needs of eligible individuals. Such projects may  
3 include—

4 “(1) activities linking businesses and eligible in-  
5 dividuals, including assistance to participants  
6 transitioning from subsidized activities to private-  
7 sector employment; and

8 “(2) demonstration projects and pilot projects  
9 designed to—

10 “(A) attract more eligible individuals into  
11 the labor force;

12 “(B) improve the provision of services to  
13 eligible individuals under the One-Stop delivery  
14 system established in accordance with title I of  
15 the Workforce Investment Act of 1998;

16 “(C) enhance the technological skills of eli-  
17 gible individuals; and

18 “(D) provide incentives to grantees under  
19 this title for exemplary performance and incen-  
20 tives to businesses to promote their participa-  
21 tion in the program under this title;

22 “(3) training and technical assistance to sup-  
23 port any project funded under this title;

24 “(4) dissemination of best practices; and



1           “(5) evaluation of the activities authorized  
2           under this title.

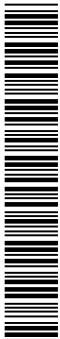
3   **“SEC. 503. ADMINISTRATION.**

4           “(a) STATE PLAN.—

5           “(1) CHIEF EXECUTIVE OFFICER SUBMITS  
6           PLAN.—For a State to be eligible to receive an allot-  
7           ment under section, 506, the chief executive officer  
8           of the State shall submit to the Secretary for consid-  
9           eration and approval, a single State plan (referred to  
10          in this title as the ‘State plan’) that outlines a 3-  
11          year strategy for the statewide provision of training  
12          and related activities for eligible individuals under  
13          this title. The plan shall contain such provisions as  
14          the Secretary may require, consistent with this title,  
15          including a description of the process used to ensure  
16          the participation of individuals described in para-  
17          graph (2).

18          “(2) RECOMMENDATIONS.—In developing the  
19          State plan prior to its submission to the Secretary,  
20          the chief executive officer of the State shall seek the  
21          advice and recommendations of—

22               “(A) individuals representing the State  
23               agency and the area agencies on aging in the  
24               State, and the State and local workforce invest-  
25               ment boards established under title I of the



1 Workforce Investment Act of 1998 (29 U.S.C.  
2 2801 et seq.);

3 “(B) individuals representing public and  
4 private nonprofit agencies and organizations  
5 providing employment services, including each  
6 grantee operating a project under this title in  
7 the State; and

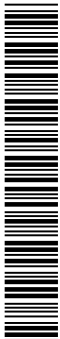
8 “(C) individuals representing social service  
9 organizations providing services to older individ-  
10 uals, grantees under title III of this Act, af-  
11 fected communities, unemployed older individ-  
12 uals, community-based organizations serving  
13 the needs of older individuals, business organi-  
14 zations, and labor organizations..

15 “(3) PLAN PROVISIONS.—The State plan shall  
16 identify and address—

17 “(A) the relationship that the number of  
18 eligible individuals in each area bears to the  
19 total number of eligible individuals, respectively,  
20 in the State;

21 “(B) the relative distribution of eligible in-  
22 dividuals residing in rural and urban areas in  
23 the State; and

24 “(C) the relative distribution of—



1 “(I) eligible individuals who are indi-  
2 viduals with greatest economic need;

3 “(ii) eligible individuals who are mi-  
4 nority individuals, including individuals  
5 who are limited English proficient; and

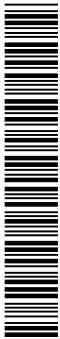
6 “(iii) eligible individuals who are indi-  
7 viduals with greatest social need;

8 “(D) the current and projected employ-  
9 ment opportunities in the State, by occupation,  
10 and the type of skills possessed by local eligible  
11 individuals;

12 “(E) the localities and populations for  
13 which projects of the type authorized by this  
14 title are most needed; and

15 “(F) plans for facilitating the coordination  
16 of activities of grantees in the State under this  
17 title with activities carried out in the State  
18 under title I of the Workforce Investment Act  
19 of 1998.

20 “(4) CHIEF EXECUTIVE OFFICER’S REC-  
21 OMMENDATIONS ON GRANT PROPOSALS.—Before a  
22 proposal for a grant under this title for any fiscal  
23 year is submitted to the Secretary, the chief execu-  
24 tive officer of each State in which projects are pro-  
25 posed to be conducted under such grant shall be af-



1       forded a reasonable opportunity to submit rec-  
2       ommendations to the Secretary—

3               “(A) regarding the anticipated effect of  
4       each such proposal upon the overall distribution  
5       of enrollment positions under this title in the  
6       State (including such distribution among urban  
7       and rural areas), taking into account the total  
8       number of positions to be provided by all grant-  
9       ees in the State;

10              “(B) any recommendations for redistribu-  
11       tion of positions to under served areas as va-  
12       cancies occur in previously encumbered posi-  
13       tions in other areas; and

14              “(C) in the case of any increase in funding  
15       that may be available for use in the State under  
16       this title for any fiscal year, any recommenda-  
17       tions for distribution of newly available posi-  
18       tions in excess of those available during the pre-  
19       ceding year to underserved areas.

20              “(5) DISRUPTIONS.—In developing plans and  
21       considering recommendations under this subsection,  
22       disruptions in the provision of services for current  
23       participants shall be avoided to the greatest possible  
24       extent.

25              “(6) DETERMINATION; REVIEW.—



1           “(A) DETERMINATION.—In order to effec-  
2           tively carry out this title, each State shall make  
3           the State plan available for public comment.  
4           The Secretary, in consultation with the Assist-  
5           ant Secretary, shall review the plan and make  
6           a written determination with findings and a de-  
7           cision regarding the plan.

8           “(B) REVIEW.—The Secretary may review,  
9           on the Secretary’s own initiative or at the re-  
10          quest of any public or private agency or organi-  
11          zation or of any agency of the State, the dis-  
12          tribution of projects and services under this  
13          title in the State including the distribution be-  
14          tween urban and rural areas in the State. For  
15          each proposed reallocation of projects or serv-  
16          ices in a State, the Secretary shall give notice  
17          and opportunity for public comment.

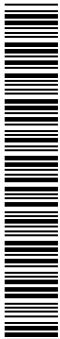
18          “(7) EXEMPTION.—The grantees that serve eli-  
19          gible individuals who are older Indians with funds  
20          reserved under section 506(a)(3) may not be re-  
21          quired to participate in the State planning processes  
22          described in this section but will collaborate with the  
23          Secretary to develop a plan for projects and services  
24          to eligible individuals who are Indians.



1       “(b) COORDINATION WITH OTHER FEDERAL PRO-  
2 GRAMS.—

3               “(1) The Secretary and the Assistant Secretary  
4 shall coordinate the program carried out under this  
5 title with programs carried out under other titles of  
6 this Act, to increase job opportunities available to  
7 older individuals.

8               “(2) The Secretary shall coordinate programs  
9 carried out under this title with the program carried  
10 out under the Workforce Investment Act of 1998,  
11 the Community Services Block Grant Act, the Reha-  
12 bilitation Act of 1973, the Carl D. Perkins Voca-  
13 tional and Technical Education Act of 1998 (20  
14 U.S.C. 2301 et seq.), the National and Community  
15 Service Act of 1990 (42 U.S.C. 12501 et seq.), and  
16 the Domestic Volunteer Service Act of 1973 (42  
17 U.S.C. 4950 et seq.). The Secretary shall coordinate  
18 the administration of this title with the administra-  
19 tion of other titles of this Act by the Assistant Sec-  
20 retary to increase the likelihood that eligible individ-  
21 uals for whom employment opportunities under this  
22 title are available and who need services under such  
23 titles receive such services. Funds appropriated to  
24 carry out this title may not be used to carry out any  
25 program under the Workforce Investment Act of



1 1998, the Community Services Block Grant Act, the  
2 Rehabilitation Act of 1973, the Carl D. Perkins Vo-  
3 cational and Technical Education Act of 1998, the  
4 National and Community Service Act of 1990, or  
5 the Domestic Volunteer Service Act of 1973. The  
6 preceding sentence shall not be construed to prohibit  
7 carrying out projects under this title jointly with  
8 programs, projects, or activities under any Act speci-  
9 fied in such sentence, or from carrying out section  
10 512.

11 “(3) The Secretary shall distribute to grantees  
12 under this title, for distribution to program partici-  
13 pants, and at no cost to grantees or participants, in-  
14 formational materials developed and supplied by the  
15 Equal Employment Opportunity Commission and  
16 other appropriate Federal agencies that the Sec-  
17 retary determines are designed to help participants  
18 identify age discrimination and to understand their  
19 rights under the Age Discrimination in Employment  
20 Act of 1967.

21 “(c) In carrying out this title, the Secretary may use,  
22 with their consent, the services, equipment, personnel, and  
23 facilities of Federal and other agencies with or without  
24 reimbursement, and on a similar basis to cooperate with



1 other public and private agencies and instrumentalities in  
2 the use of services, equipment, and facilities.

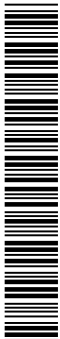
3 “(d) Payments under this title may be made in ad-  
4 vance or by way of reimbursement and in such install-  
5 ments as the Secretary may determine.

6 “(e) The Secretary shall not delegate any function of  
7 the Secretary under this title to any other Federal officer  
8 or entity.

9 “(f)(1) The Secretary shall monitor projects for  
10 which grants are made under this title to determine  
11 whether the grantees are complying with rules and regula-  
12 tions issued to carry out this title (including the statewide  
13 planning, consultation, and coordination requirements of  
14 this title).

15 “(2) Each grantee that receives funds under this title  
16 shall comply with the applicable uniform cost principles  
17 and appropriate administrative requirements for grants  
18 and contracts that are applicable to the type of entity that  
19 receives funds, as issued as circulars or rules of the Office  
20 of Management and Budget.

21 “(3) Each grantee described in paragraph (2) shall  
22 prepare and submit a report in such manner and con-  
23 taining such information as the Secretary may require re-  
24 garding activities carried out under this title.



1 “(4) Each grantee described in paragraph (2) shall  
2 keep records that—

3 “(A) are sufficient to permit the preparation of  
4 reports required by this title;

5 “(B) are sufficient to permit the tracing of  
6 funds to a level of expenditure adequate to ensure  
7 that the funds have not been spent unlawfully; and

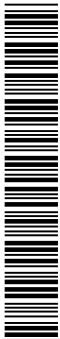
8 “(C) contain any other information that the  
9 Secretary determines to be appropriate.

10 “(g) The Secretary shall establish by rule and imple-  
11 ment a process to evaluate, in accordance with section  
12 513, the performance of projects and services carried out  
13 under this title. The Secretary shall report to the Con-  
14 gress, and make available to the public, the results of each  
15 such evaluation and shall use such evaluation to improve  
16 services delivered by, or the operation of, projects carried  
17 out under this title.

18 **“SEC. 504. PARTICIPANTS NOT FEDERAL EMPLOYEES.**

19 “(a) Eligible individuals who are participants in au-  
20 thorized activities in any project funded under this title  
21 shall not be considered to be Federal employees as a result  
22 of such participation and shall not be subject to part III  
23 of title 5, United States Code.

24 “(b) No grant, subgrant, contract or subcontract  
25 shall be entered into under this title with an entity who

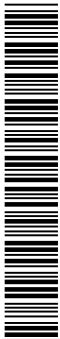


1 is, or whose employees are, under State law, exempted  
2 from operation of the State workers compensation law,  
3 generally applicable to employees unless the entity shall  
4 undertake to provide either through insurance by a recog-  
5 nized carrier or by self-insurance, as authorized by State  
6 law, that the persons employed under the grant, contract,  
7 subgrant, or subcontract shall enjoy workers compensation  
8 coverage equal to that provided by law for covered employ-  
9 ment.

10 **“SEC. 505. INTERAGENCY COOPERATION.**

11 “(a) The Secretary shall consult with and obtain the  
12 written views of the Assistant Secretary before issuing  
13 rules and before establishing general policy in the adminis-  
14 tration of this title.

15 “(b) The Secretary shall consult and cooperate with  
16 the Director of the Office of Community Services, the Sec-  
17 retary of Health and Human Services, and the heads of  
18 other Federal agencies that carry out related programs,  
19 in order to achieve optimal coordination with such other  
20 programs. In carrying out this section, the Secretary shall  
21 promote programs or projects of a similar nature. Each  
22 Federal agency shall cooperate with the Secretary in dis-  
23 seminating information relating to the availability of as-  
24 sistance under this title and in promoting the identifica-



tion and interests of individuals eligible for employment  
in projects assisted under this title.

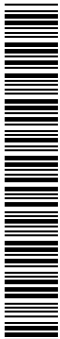
“(c)(1) The Secretary shall promote and coordinate  
carrying out projects under this title jointly with pro-  
grams, projects, or activities carried out under other Acts,  
especially activities provided under the Workforce Invest-  
ment Act of 1998 (29 U.S.C. 2801 et seq.), including ac-  
tivities provided through One-Stop delivery systems estab-  
lished under section 134(c) of such Act (29 U.S.C.  
2864(c)), that provide training and employment opportu-  
nities to eligible individuals.

“(2) The Secretary shall consult with the Secretary  
of Education to promote and coordinate carrying out  
projects under this title jointly with workforce investment  
activities in which eligible individuals may participate that  
are carried out under the Carl D. Perkins Vocational and  
Technical Education Act of 1998.

**“SEC. 506. DISTRIBUTION OF ASSISTANCE.**

“(a) RESERVATIONS.—

“(1) RESERVATION FOR NATIONAL ACTIVI-  
TIES.—Of the funds appropriated to carry out this  
title for each fiscal year, the Secretary may first re-  
serve up to 1.5 percent to carry out demonstration  
projects, pilot projects, and evaluation projects  
under section 502(d).



1           “(2) RESERVATION FOR TERRITORIES.—Of the  
2 funds appropriated to carry out this title for each  
3 fiscal year, the Secretary shall reserve up to 0.75  
4 percent, of which—

5           “(A) Guam, American Samoa, and the  
6 United States Virgin Islands shall each receive  
7 30 percent of the funds so reserved; and

8           “(B) the Commonwealth of the Northern  
9 Mariana Islands shall receive 10 percent of the  
10 funds so reserved.

11          “(3) RESERVATION FOR ORGANIZATIONS.—Of  
12 the funds appropriated to carry out this title for  
13 each fiscal year, the Secretary shall reserve such  
14 amount as may be necessary to make national  
15 grants to public or nonprofit national Indian aging  
16 organizations with the ability to provide authorized  
17 activities for eligible individuals who are Indians and  
18 to national public or nonprofit Pacific Island and  
19 Asian American aging organizations with the ability  
20 to provide authorized activities for eligible individ-  
21 uals who are Pacific Island and Asian Americans.

22          “(b) STATE ALLOTMENTS.—The allotment for each  
23 State shall be the sum of the amounts allotted for national  
24 grants in such State under subsection (d) and for the  
25 grant to such State under subsection (e).



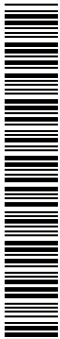
1       “(c) DIVISION BETWEEN NATIONAL GRANTS AND  
2 GRANTS TO STATES.—The funds appropriated to carry  
3 out this title for any fiscal year that remain after amounts  
4 are reserved under paragraphs (1), (2), and (3) of sub-  
5 section (a), shall be divided by the Secretary between na-  
6 tional grants and grants to States as follows:

7           “(1) RESERVATION OF FUNDS FOR FISCAL  
8 YEAR 2006 LEVEL OF ACTIVITIES.—

9           “(A) The Secretary shall reserve the  
10 amount of funds necessary to maintain the fis-  
11 cal year 2006 level of activities supported by  
12 grantees that operate under this title under na-  
13 tional grants from the Secretary, and the fiscal  
14 year 2006 level of activities supported by State  
15 grantees under this title, in proportion to their  
16 respective fiscal year 2006 levels of activities.

17           “(B) If in any fiscal year for which the  
18 funds appropriated to carry out this title are in-  
19 sufficient to satisfy the requirement specified in  
20 subparagraph (A), then the amount described  
21 in subparagraph (A) shall be reduced propor-  
22 tionally.

23           “(2) FUNDING IN EXCESS OF FISCAL YEAR 2006  
24 LEVEL OF ACTIVITIES.—



1           “(A) UP TO \$35,000,000.—The amount of  
2           funds remaining after the application of para-  
3           graph (1), but not to exceed \$35,000,000, shall  
4           be divided so that 75 percent shall be provided  
5           to State grantees and 25 percent shall be pro-  
6           vided to grantees that operate under this title  
7           under national grants from the Secretary.

8           “(B) OVER \$35,000,000.—The amount of  
9           funds remaining (if any) after the application of  
10          subparagraph (A) shall be divided so that 50  
11          percent shall be provided to State grantees and  
12          50 percent shall be provided to grantees that  
13          operate under this title under national grants  
14          from the Secretary.

15          “(d) ALLOTMENTS FOR NATIONAL GRANTS.—From  
16          funds available under subsection (c) for national grants,  
17          the Secretary shall allot for public and private nonprofit  
18          agency and organization grantees that operate under this  
19          title under national grants from the Secretary in each  
20          State, an amount that bears the same ratio to such funds  
21          as the product of the number of individuals 55 years of  
22          age or older in the State and the allotment percentage of  
23          such State bears to the sum of the corresponding products  
24          for all States, except as follows:



1           “(1) MINIMUM ALLOTMENT.—No State shall be  
2           provided an amount under this subsection that is  
3           less than  $\frac{1}{2}$  of 1 percent of the amount provided  
4           under subsection (c) for public and private nonprofit  
5           agency and organization grantees that operate under  
6           this title under national grants from the Secretary  
7           in all of the States.

8           “(2) HOLD HARMLESS.—If the amount pro-  
9           vided under subsection (c) is—

10           “(A) equal to or less than the amount nec-  
11           essary to maintain the fiscal year 2006 level of  
12           activities, allotments for grantees that operate  
13           under this title under national grants from the  
14           Secretary in each State shall be proportional to  
15           their fiscal year 2000 level of activities; or

16           “(B) greater than the amount necessary to  
17           maintain the fiscal year 2006 level of activities,  
18           no State shall be provided a percentage increase  
19           above the fiscal year 2006 level of activities for  
20           grantees that operate under this title under na-  
21           tional grants from the Secretary in the State  
22           that is less than 30 percent of such percentage  
23           increase above the fiscal year 2006 level of ac-  
24           tivities for public and private nonprofit agency  
25           and organization grantees that operate under



1           this title under national grants from the Sec-  
2           retary in all of the States.

3           “(3) REDUCTION.—Allotments for States not  
4           affected by paragraphs (1) and (2)(B) of this sub-  
5           section shall be reduced proportionally to satisfy the  
6           conditions in such paragraphs.

7           “(e) ALLOTMENTS FOR GRANTS TO STATES.—From  
8           the amount provided for grants to States under subsection  
9           (c), the Secretary shall allot for the State grantee in each  
10          State an amount that bears the same ratio to such amount  
11          as the product of the number of individuals 55 years of  
12          age or older in the State and the allotment percentage of  
13          such State bears to the sum of the corresponding product  
14          for all States, except as follows:

15          “(1) MINIMUM ALLOTMENT.—No State shall be  
16          provided an amount under this subsection that is  
17          less than  $\frac{1}{2}$  of 1 percent of the amount provided  
18          under subsection (c) for State grantees in all of the  
19          States.

20          “(2) HOLD HARMLESS.—If the amount pro-  
21          vided under subsection (c) is—

22                  “(A) equal to or less than the amount nec-  
23                  essary to maintain the fiscal year 2006 level of  
24                  activities, allotments for State grantees in each



1 State shall be proportional to their fiscal year  
2 2000 level of activities; or

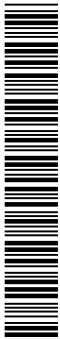
3 “(B) greater than the amount necessary to  
4 maintain the fiscal year 2006 level of activities,  
5 no State shall be provided a percentage increase  
6 above the fiscal year 2006 level of activities for  
7 State grantees in the State that is less than 30  
8 percent of such percentage increase above the  
9 fiscal year 2006 level of activities for State  
10 grantees in all of the States.

11 “(3) REDUCTION.—Allotments for States not  
12 affected by paragraphs (1) and (2)(B) of this sub-  
13 section shall be reduced proportionally to satisfy the  
14 conditions in such paragraphs.

15 “(f) ALLOTMENT PERCENTAGE.—For purposes of  
16 subsections (d) and (e)—

17 “(1) the allotment percentage of each State  
18 shall be 100 percent less that percentage that bears  
19 the same ratio to 50 percent as the per capita in-  
20 come of such State bears to the per capita income  
21 of the United States, except that—

22 “(A) the allotment percentage shall be not  
23 more than 75 percent and not less than 33 per-  
24 cent; and



1 “(B) the allotment percentage for the Dis-  
2 trict of Columbia and the Commonwealth of  
3 Puerto Rico shall be 75 percent;

4 “(2) the number of individuals 55 years of age  
5 or older in any State and in all States, and the per  
6 capita income in any State and in all States, shall  
7 be determined by the Secretary on the basis of the  
8 most satisfactory data available to the Secretary;  
9 and

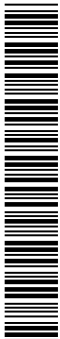
10 “(3) for the purpose of determining the allot-  
11 ment percentage, the term ‘United States’ means  
12 the 50 States and the District of Columbia.

13 “(g) DEFINITIONS.—For purposes of this section:

14 “(1) COST PER AUTHORIZED POSITION.—The  
15 term ‘cost per authorized position’ means the sum  
16 of—

17 “(A) the hourly minimum wage rate speci-  
18 fied in section 6(a)(1) of the Fair Labor Stand-  
19 ards Act of 1938 (29 U.S.C. 206(a)(1)), multi-  
20 plied by the number of hours equal to the prod-  
21 uct of 21 hours and 52 weeks;

22 “(B) an amount equal to 11 percent of the  
23 amount specified under subparagraph (A), for  
24 the purpose of covering Federal payments for  
25 fringe benefits; and



1           “(C) an amount determined by the Sec-  
2           retary, for the purpose of covering Federal pay-  
3           ments for the remainder of all other program  
4           and administrative costs.

5           “(2) FISCAL YEAR 2006 LEVEL OF ACTIVI-  
6           TIES.—The term ‘fiscal year 2006 level of activities’  
7           means—

8           “(A) with respect to public and private  
9           nonprofit agency and organization grantees that  
10          operate under this title under national grants  
11          from the Secretary, their level of activities for  
12          fiscal year 2006; and

13          “(B) with respect to State grantees, their  
14          level of activities for fiscal year 2006.

15          “(3) GRANTS TO STATES.—The term ‘grants to  
16          States’ means grants made under this title by the  
17          Secretary to the States.

18          “(4) LEVEL OF ACTIVITIES.—The term ‘level of  
19          activities’ means the number of authorized positions  
20          multiplied by the cost per authorized position.

21          “(5) NATIONAL GRANTS.—The term ‘national  
22          grants’ means grants made under this title by the  
23          Secretary to public and private nonprofit and profit-  
24          making agency and organization grantees that oper-



1       ate under this title under national grants from the  
2       Secretary.

3               “(6) STATE.—The term ‘State’ does not include  
4       Guam, American Samoa, the Commonwealth of the  
5       Northern Mariana Islands, and the United States  
6       Virgin Islands.

7       **“SEC. 507. EQUITABLE DISTRIBUTION.**

8               “(a) INTERSTATE ALLOCATION.—In making grants  
9       under section 506, the Secretary shall ensure, to the ex-  
10      tent feasible, an equitable distribution of activities under  
11      such grants, in the aggregate, among the States, taking  
12      into account the needs of underserved States.

13              “(b) INTRASTATE ALLOCATION.—The amount allo-  
14      cated for projects within each State under section 506  
15      shall be allocated among areas in the State in an equitable  
16      manner, taking into consideration the State priorities set  
17      out in the State plan in effect under section 503(a).

18      **“SEC. 508. REPORT.**

19              “ ”To carry out the Secretary’s responsibilities for  
20      reporting in section 503(g), the Secretary shall require the  
21      State agency for each State that receives funds under this  
22      title to prepare and submit a report at the beginning of  
23      each fiscal year on such State’s compliance with section  
24      507(b). Such report shall include the names and geo-  
25      graphic location of all projects assisted under this title and



1 carried out in the State and the amount allocated to each  
2 such project under section 506.

3 **“SEC. 509. EMPLOYMENT ASSISTANCE AND FEDERAL HOUS-**  
4 **ING AND FOOD STAMP PROGRAMS.**

5 “Funds received by eligible individuals from projects  
6 carried out under the program established in this title  
7 shall not be considered to be income of such individuals  
8 for purposes of determining the eligibility of such individ-  
9 uals, or of any other individuals, to participate in any  
10 housing program for which Federal funds may be available  
11 or for any income determination under the Food Stamp  
12 Act of 1977.

13 **“SEC. 510. ELIGIBILITY FOR WORKFORCE INVESTMENT AC-**  
14 **TIVITIES.**

15 “Eligible individuals under this title may be consid-  
16 ered by local workforce investment boards established  
17 under title I of the Workforce Investment Act of 1998 to  
18 satisfy the requirements for receiving services under such  
19 title I that are applicable to adults.

20 **“SEC. 511. TREATMENT OF ASSISTANCE.**

21 “Assistance provided under this title shall not be con-  
22 sidered to be financial assistance described in section  
23 245A(h)(1)(A) of the Immigration and Nationality Act (8  
24 U.S.C. 1255A(h)(1)(A)).



1   **“SEC. 512. COORDINATION WITH THE WORKFORCE INVEST-**  
2                   **MENT ACT OF 1998.**

3           “(a) PARTNERS.—Grantees under this title shall be  
4 One-Stop partners as described in subparagraphs (A) and  
5 (B)(vi) of section 121(b)(1) of the Workforce Investment  
6 Act of 1998 (29 U.S.C. 2841(b)(1)) in the One-Stop deliv-  
7 ery system established under section 134(c) of such Act  
8 (29 U.S.C. 2864(c)) for the appropriate local workforce  
9 investment areas, and shall carry out the responsibilities  
10 relating to such partners.

11          “(b) COORDINATION.—In local workforce investment  
12 areas where more than 1 grantee under this title provides  
13 services, the grantees shall—

14               “(1) coordinate their activities related to the  
15 One-Stop delivery system; and

16               “(2) shall be signatories of the memorandum of  
17 understanding established under section 121(c) of  
18 the Workforce Investment Act of 1998 (29 U.S.C.  
19 2841(c)).

20   **“SEC. 513. PERFORMANCE.**

21           “(a) MEASURES.—

22               “(1) ESTABLISHMENT OF MEASURES.—The  
23 Secretary shall establish, in consultation with grant-  
24 ees, subgrantees, and host agencies under this title,  
25 States, older individuals, area agencies on aging, and  
26 other organizations serving older individuals, per-



1 performance measures for each grantee for projects and  
2 services carried out under this title.

3 “(2) CONTENT.—

4 “(A) COMPOSITION OF MEASURES.—The  
5 performance measures established by the Sec-  
6 retary in accordance with paragraph (1) shall  
7 consist of—

8 “(i) core indicators of performance  
9 specified in subsection (b)(1) and the ex-  
10 pected levels of performance applicable to  
11 each core indicator of performance, and

12 “(ii) additional indicators of perform-  
13 ance specified in subsection (b)(2)

14 “(B) CONTINUOUS IMPROVEMENT.—The  
15 measures described in subparagraph (A)(i) shall  
16 be designed to promote continuous improvement  
17 in performance.

18 “(C) EXPECTED LEVELS OF PERFORM-  
19 ANCE.—The Secretary and each grantee shall  
20 reach agreement on the expected levels of per-  
21 formance for each program year for each of the  
22 core indicators of performance specified in sub-  
23 section (b)(1). The agreement shall take into  
24 account the factors described in subparagraphs  
25 (B) and (D) and other appropriate factors as



1 determined by the Secretary, and shall be con-  
2 sistent with the requirements of subparagraph  
3 (E). Funds under the grant may not be award-  
4 ed until such agreement is reached.

5 “(D) ADJUSTMENT.—The expected levels  
6 of performance described in subparagraph (C)  
7 applicable to a grantee shall be adjusted after  
8 the agreement under subparagraph (C) has  
9 been reached only with respect to the following  
10 factors:

11 “(i) High rates of unemployment, of  
12 poverty, or of eligibility to receive welfare  
13 in the areas served by a grantee, relative  
14 to other areas of the State or Nation.

15 “(ii) Significant downturns in the  
16 areas served by the grantee or in the na-  
17 tional economy.

18 “(iii) Significant numbers or propor-  
19 tions of participants with 1 or more bar-  
20 riers to employment served by a grantee  
21 relative to grantees serving other areas of  
22 the State or Nation.

23 “(iv) Changes in Federal, State, or  
24 local minimum wage requirements.



1                   “(E) PLACEMENT.—For all grantees, the  
2                   Secretary shall establish a level of performance  
3                   of not less than 30 percent (adjusted in accord-  
4                   ance with subparagraph (D)) for the entry into  
5                   unsubsidized employment core indicator of per-  
6                   formance described in subsection (b)(1)(A). If a  
7                   grantee achieved a level of performance less  
8                   than 30 percent for the last program year for  
9                   which results are available before the enactment  
10                  of the Senior Independence Act of 2006, the  
11                  Secretary shall provide technical assistance to  
12                  assist such grantee to achieve the 30 percent  
13                  level.

14               “(3) PERFORMANCE EVALUATION OF GRANT-  
15               EES.—The Secretary shall annually establish na-  
16               tional performance measures for each grantee under  
17               this title, which shall be applicable to the grantee  
18               without regard to whether such grantee operates  
19               such program directly or through contracts, grants,  
20               or agreements with other entities. The measures  
21               shall include the core indicators of performance and  
22               expected level of performance for each such indi-  
23               cator, and the additional indicators of performance.  
24               In addition, the Secretary shall annually publish the



1 actual performance of each grantee with respect  
2 to—

3 “(A) the levels achieved for each of the  
4 core indicators of performance, compared to ex-  
5 pected levels of performance under paragraph  
6 (2)(C) (including any adjustments to such levels  
7 made in accordance with to paragraph (2)(D));  
8 and

9 “(B) the levels achieved for each of the ad-  
10 ditional indicators of performance.

11 “(4) LIMITATION.—An agreement to be evalu-  
12 ated on the performance measures shall be a re-  
13 quirement for application for, and a condition of, all  
14 grants authorized by this title.

15 “(b) INDICATORS OF PERFORMANCE.—

16 “(1) CORE INDICATORS.—The core indicators  
17 of performance described in subsection (a)(2)(A)(i)  
18 shall consist of—

19 “(A) entry into unsubsidized employment;

20 “(B) retention in unsubsidized employ-  
21 ment;

22 “(C) retention in unsubsidized employment  
23 for one year; and

24 “(D) earnings.



1 “(2) ADDITIONAL INDICATORS.—The additional  
2 indicators of performance described in subsection  
3 (a)(2)(A)(ii) shall consist of—

4 “(A) community services provided; and

5 “(B) any other indicators of performance  
6 that the Secretary determines to be appropriate  
7 to evaluate services and performance.

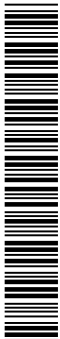
8 “(c) DEFINITIONS OF INDICATORS.—

9 “(1) IN GENERAL.—The Secretary, after con-  
10 sultation with national and State grantees, rep-  
11 resentatives of business and labor organizations, and  
12 providers of services, shall issue rules that define the  
13 indicators of performance described in subsection  
14 (b).

15 “(d) CORRECTIVE EFFORTS.—

16 “(1) NATIONAL GRANTEEES.—

17 “(A) IN GENERAL.—Not later than 120  
18 days after the end of each program year, the  
19 Secretary shall determine if a national grantee  
20 awarded a grant under section 514 has met the  
21 expected levels of performance established  
22 under subsection (a)(2)(C) (including any ad-  
23 justments to such levels made in accordance  
24 with to subsection (a)(2)(D)) for the core indi-



1 cators of performance described in subsection  
2 (b)(1).

3 “(B) TECHNICAL ASSISTANCE AND COR-  
4 RECTIVE ACTION PLAN.—

5 “(i) IN GENERAL.—If the Secretary  
6 determines that a grantee fails to meet the  
7 expected levels of performance described in  
8 paragraph (1), the Secretary shall provide  
9 technical assistance and require such  
10 grantee to submit a corrective action plan  
11 not later than 160 days after the end of  
12 the program year.

13 “(ii) CONTENT.—The plan submitted  
14 under subparagraph (A) shall detail the  
15 steps the grantee will take to meet the na-  
16 tional performance measures in the next  
17 program year.

18 “(2) STATE GRANTEES.—

19 “(A) IN GENERAL.—Not later than 120  
20 days after the end of the program year, the  
21 Secretary shall determine if a State grantee al-  
22 lotted funds under section 506(e) has met the  
23 expected levels of performance established  
24 under subsection (a)(2)(C) (including any ad-  
25 justments to such levels made in accordance



1 with to subsection (a)(2)(D)) for the core indi-  
2 cators of performance described in subsection  
3 (b)(1).

4 “(B) TECHNICAL ASSISTANCE AND COR-  
5 RECTIVE ACTION PLAN.—If a State fails to  
6 meet the levels of performance described in sub-  
7 paragraph (A), the Secretary shall provide tech-  
8 nical assistance and require the State to submit  
9 a corrective action plan not later than 160 days  
10 after the end of the program year.

11 “(C) CONTENT.—The plan described in  
12 subparagraph (B) shall detail the steps the  
13 State will take to meet the standards.

14 “(D) FAILURE TO MEET PERFORMANCE  
15 MEASURES FOR SECOND AND THIRD YEARS.—

16 “(i) AFTER SECOND YEAR OF FAIL-  
17 URE.—If a State fails to meet the levels of  
18 performance described in subparagraph  
19 (A) for a second consecutive program year,  
20 the Secretary shall provide for the conduct  
21 by the State of a competition to award, for  
22 the first full program year following the  
23 determination (minimizing, to the extent  
24 possible, the disruption of services provided  
25 to participants), an amount equal to 25



1 percent of the funds available to the State  
2 for such year.

3 “(ii) AFTER THIRD YEAR OF FAIL-  
4 URE.—If the State fails to meet the levels  
5 of performance described in subparagraph  
6 (A) for a third consecutive program year,  
7 the Secretary shall provide for the conduct  
8 by the State of a competition to award the  
9 funds allocated to the State for the first  
10 full program year following the Secretary’s  
11 determination that the State has not met  
12 the performance measures.

13 **“SEC. 514. COMPETITIVE REQUIREMENTS RELATING TO**  
14 **GRANT AWARDS.**

15 “(a) PROGRAM AUTHORIZED.—From the funds avail-  
16 able for national grants under section 506(d), the Sec-  
17 retary shall award grants to eligible applicants to carry  
18 out projects under this title through a competitive process  
19 that is conducted at least once every 3 years.

20 “(b) ELIGIBLE APPLICANTS.—An applicant shall be  
21 eligible to receive a grant under subsection (a) in accord-  
22 ance with section 502(b)(1), and subsections (c) and (d).

23 “(c) CRITERIA.—The Secretary shall select the eligi-  
24 ble applicants to receive grants under subsection (a) based  
25 on the following:



1           “(1) The applicant’s ability to administer a pro-  
2           gram that serves the greatest number of eligible in-  
3           dividuals, giving particular consideration to individ-  
4           uals with greatest economic need, greatest social  
5           need, poor employment history or prospects, and  
6           over the age of 65.

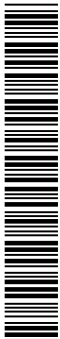
7           “(2) The applicant’s ability to administer a pro-  
8           gram that provides employment for eligible individ-  
9           uals in the communities in which such individuals  
10          reside, or in nearby communities, that will con-  
11          tribute to the general welfare of the community.

12          “(3) The applicant’s ability to administer a pro-  
13          gram that moves eligible individuals into unsub-  
14          sidized employment, and the prior performance of  
15          the applicant, if any, in meeting performance meas-  
16          ures under this title and under other Federal or  
17          State programs.

18          “(4) The applicant’s ability to move individuals  
19          with multiple barriers to employment into unsub-  
20          sidized employment.

21          “(5) The applicant’s ability to coordinate with  
22          other organizations at the State and local level.

23          “(6) The applicant’s plan for fiscal manage-  
24          ment of the program to be administered with funds  
25          received under this section.



1           “(7) Any additional criteria that the Secretary  
2           considers to be appropriate in order to minimize dis-  
3           ruption for current participants.

4           “(d) RESPONSIBILITY TESTS.—

5           “(1) IN GENERAL.—Before final selection of a  
6           grantee, the Secretary shall conduct a review of  
7           available records to assess the applicant’s overall re-  
8           sponsibility to administer Federal funds.

9           “(2) REVIEW.—As part of the review described  
10          in paragraph (1), the Secretary may consider any in-  
11          formation, including the organization’s history with  
12          regard to the management of other grants.

13          “(3) FAILURE TO SATISFY TEST.—The failure  
14          to satisfy any 1 responsibility test that is listed in  
15          paragraph (4), excluding those listed in subpara-  
16          graphs (A) and (B), does not establish that the or-  
17          ganization is not responsible unless such failure is  
18          substantial or persists for 2 or more consecutive  
19          years.

20          “(4) TEST.—The responsibility tests include re-  
21          view of the following factors:

22                 “(A) Unsuccessful efforts by the organiza-  
23                 tion to recover debts, after 3 demand letters  
24                 have been sent, that are established by final



1 agency action, or a failure to comply with an  
2 approved repayment plan.

3 “(B) Established fraud or criminal activity  
4 of a significant nature within the organization.

5 “(C) Serious administrative deficiencies  
6 identified by the Secretary, such as failure to  
7 maintain a financial management system as re-  
8 quired by Federal rules or regulations.

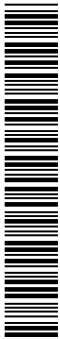
9 “(D) Willful obstruction of the audit proc-  
10 ess.

11 “(E) Failure to provide services to appli-  
12 cants as agreed to in a current or recent grant  
13 or to meet applicable performance measures.

14 “(F) Failure to correct deficiencies  
15 brought to the grantee’s attention in writing as  
16 a result of monitoring activities, reviews, assess-  
17 ments, or other activities.

18 “(G) Failure to return a grant closeout  
19 package or outstanding advances within 90  
20 days of the grant expiration date or receipt of  
21 closeout package, whichever is later, unless an  
22 extension has been requested and granted.

23 “(H) Failure to submit required reports.



1           “(I) Failure to properly report and dispose  
2           of Government property as instructed by the  
3           Secretary.

4           “(J) Failure to have maintained effective  
5           cash management or cost controls resulting in  
6           excess cash on hand.

7           “(K) Failure to ensure that a subrecipient  
8           complies with its Office of Management and  
9           Budget Circular A-133 audit requirements  
10          specified at section 667.200(b) of title 20, Code  
11          of Federal Regulations.

12          “(L) Failure to audit a subrecipient within  
13          the required period.

14          “(M) Final disallowed costs in excess of 5  
15          percent of the grant or contract award if, in the  
16          judgment of the grant officer, the disallowances  
17          are egregious findings.

18          “(N) Failure to establish a mechanism to  
19          resolve a subrecipient’s audit in a timely fash-  
20          ion.

21          “(5) DETERMINATION.—Applicants that are de-  
22          termined to be not responsible shall not be selected  
23          as grantees.



1           “(6) **DISALLOWED COSTS.**—Interest on dis-  
2           allowed costs shall accrue in accordance with the  
3           Debt Collection Improvement Act of 1996.

4   **“SEC. 515. AUTHORIZATION OF APPROPRIATIONS.**

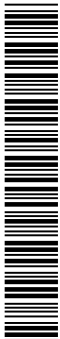
5           “(a) There is authorized to be appropriated to carry  
6           out this title such sums as may be necessary for fiscal  
7           years 2007, 2008, 2009, 2010, and 2011.

8           “(b) Amounts appropriated under this section for any  
9           fiscal year shall be available for obligation during the an-  
10          nual period that begins on July 1 of the calendar year  
11          immediately following the beginning of such fiscal year  
12          and that ends on June 30 of the following calendar year.  
13          The Secretary may extend the period during which such  
14          amounts may be obligated or expended in the case of a  
15          particular organization or agency that receives funds  
16          under this title if the Secretary determines that such ex-  
17          tension is necessary to ensure the effective use of such  
18          funds by such organization or agency.

19          “(c) At the end of the program year, the Secretary  
20          may recapture any unexpended funds for the program  
21          year, and reobligate such funds within the 2 succeeding  
22          program years for—

23                  “(1) technical assistance; or

24                  “(2) grants or contracts for any other program  
25          under this title.



1 **“SEC. 516. DEFINITIONS.**

2 “For purposes of this title:

3 “(1) COMMUNITY SERVICE EMPLOYMENT-BASED  
4 TRAINING.—The term ‘community service employ-  
5 ment-based training’ means training provided  
6 through work experience that is related to providing  
7 social, health, welfare, and educational services (in-  
8 cluding literacy tutoring), legal and other counseling  
9 services and assistance, including tax counseling and  
10 assistance and financial counseling, and library, rec-  
11 reational, and other similar services; conservation,  
12 maintenance, or restoration of natural resources;  
13 community betterment or beautification; antipollu-  
14 tion and environmental quality efforts; weatheriza-  
15 tion activities; economic development; and such other  
16 services essential and necessary to the community as  
17 the Secretary determines by rule.

18 “(2) ELIGIBLE INDIVIDUALS.—

19 “(A) IN GENERAL.—Except as provided in  
20 subparagraphs (B) and (C), the term ‘eligible  
21 individual’ means an individual who is 65 years  
22 old or older, unemployed, and who has a low in-  
23 come (including any such individual whose in-  
24 come is not more than 125 percent of the pov-  
25 erty line.



1           “(B) EXCEPTION WITH RESPECT TO  
2 AGE.—Individuals who are 55 years of age or  
3 older and who otherwise meet the requirements  
4 of subparagraph (A) are eligible to participate  
5 in a project carried out under this title if such  
6 individual is determined to have 1 or more of  
7 the following barriers to employment:

8           “(i) A disability.

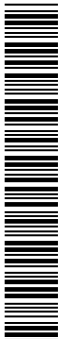
9           “(ii) Limited English proficiency.

10          “(iii) Residing in a rural area.

11          “(iv) Having low employment pros-  
12 pects.

13          “(v) Having failed to find employment  
14 after utilizing services provided under title  
15 I of the Workforce Investment Act of  
16 1998.

17          “(C) TWO-YEAR TIME LIMIT.—An indi-  
18 vidual who meets the requirements of this para-  
19 graph may only participate in projects carried  
20 out under this title for a period that does not  
21 exceed 24 months in the aggregate (whether or  
22 not consecutive), except that a grantee may ex-  
23 tend the period of participation for not more  
24 than 5 percent of project participants.



1 “(3) PACIFIC ISLAND AND ASIAN AMERICANS.—

2 The term ‘Pacific Island and Asian Americans’  
3 means Americans having origins in any of the origi-  
4 nal peoples of the Far East, Southeast Asia, the In-  
5 dian Subcontinent, or the Pacific Islands.

6 “(4) PROGRAM.—The term ‘program’ means  
7 the older American community service employment-  
8 based training program established under this  
9 title.”.

10 **SEC. 29. NATIVE AMERICANS CAREGIVER SUPPORT PRO-**  
11 **GRAM.**

12 Section 643 of the Older Americans Act of 1965 (42  
13 U.S.C. 3057n) is amended by striking “2001” each place  
14 it appears and inserting “2007”.

15 **SEC. 30. VULNERABLE ELDER RIGHTS PROTECTION ACTIVI-**  
16 **TIES.**

17 Section 702 of the Older Americans Act of 1965 (42  
18 U.S.C. 3058a) is amended by striking “2001” each place  
19 it appears and inserting “2007”.

20 **SEC. 31. NATIVE AMERICAN ORGANIZATION PROVISIONS.**

21 Section 751(d) of the Older Americans Act of 1965  
22 (42 U.S.C. 3058aa(b)) is amended by striking “2001” and  
23 inserting “2007”



1 **SEC. 32. ELDER ABUSE, NEGLECT, AND EXPLOITATION PRE-**  
2 **VENTION AMENDMENT.**

3 Section 721 (b) of the Older Americans Act of 1965  
4 (42 U.S.C. 3058i(b)) is amended—

5 (1) by inserting after paragraph (1) the fol-  
6 lowing new paragraph:

7 “(2) providing for public education and out-  
8 reach to promote financial literacy and prevent iden-  
9 tity theft and financial exploitation of older individ-  
10 uals;”; and

11 (2) by redesignating paragraphs (2) through  
12 (8) as paragraphs (3) through (9), respectively.

13 **SEC. 33. TECHNICAL AMENDMENTS.**

14 The Older Americans Act of 1965 (42 U.S.C. 2001  
15 et seq.) is amended—

16 (1) in section 202(e)(1)(A) by adding a period  
17 at the end, and

18 (2) by inserting before section 401 the fol-  
19 lowing:

20 **“TITLE IV—ACTIVITIES FOR**  
21 **HEALTH, INDEPENDENCE**  
22 **AND LONGEVITY”.**

